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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,526	09/19/2000	Steven G. LeMay	IGT1P018	5846

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER
COBURN, CORBETT B

ART UNIT	PAPER NUMBER
3714	14

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/665,526	LEMAY ET AL.	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19-29 and 41-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-29 and 41-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *09 January 2003* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8, 10-17, 21-23, 25-29, & 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US Patent Number 6,113,495) in view of Microsoft Windows® 3.1.

Claims 1, 19, 42, 44: Walker teaches a gaming machine with a display device (reels 332, 334, & 336); a master game controller (310) that controls one or more games played on the gaming machine and presents a game outcome presentation (images) the display device (reels 332, 334, & 336). There is an input device (370) for selecting an entertainment source (Abstract). Video display area (346) is an output device configured to output entertainment during selected operational modes of the gaming machine. There is an output device configured to output audio-formatted entertainment content from the selected entertainment content source. (Col 7, 58-61) The entertainment content is independent of the outcome presentation presented on the gaming machines. Walker teaches a video display device (346) coupled to the CPU, which is in a main cabinet of the gaming machine. (Fig 3) Walker teaches that this video display device (346) can be used to display both the reels of the slot machine (Col 7, 17-23) and the multimedia

information (Col 7, 58-61). Walker teaches displaying a list of one or more entertainment sources. (Fig 8, 830) The system receives a selection from the list. (840) The entertainment content is output to the display. (850) The entertainment content is independent of the game outcome presentation.

While Walker does not specifically disclose that the game outcome presentation and the video-formatted information are contained in separate windows, doing so would prevent player confusion. In fact, it is difficult to imagine how the system could work otherwise – if the video-formatted information and the game outcome presentation are not maintained in separate windows, it would be impossible to use either presentation. If the two presentations overlapped, a player could not readily determine the outcome of the game, nor could the player enjoy the video presentation. Microsoft Windows® 3.1 teaches use of windows. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the game outcome presentation and the video-formatted information contained in separate windows in order to prevent player confusion and create a usable system.

Claim 2: The output device is a monitor.

Claim 3: The entertainment content source is a server. (110)

Claim 4: The media software application is a web browser. (Col 5, 54-60)

Claim 5: The input device (370) is a touch screen. (Col 7, 29-31)

Claims 6, 28, 39: The entertainment content may include a web page. (Col 5, 44-60)

Claims 7, 29: The game may be a video slot game. (Abstract)

Claim 8: There is a first communication interface (Fig 2, 265) that allows the gaming machine to communicate with an entertainment source outside of the gaming machine.

Claim 10: The entertainments content is initiated when game play is initiated on the gaming machine. (Fig 8)

Claim 11: Access to the entertainment content is time dependent on an indicia of credit amount, wager amount, or game playing history. (Col 9, 48- Col 10, 4)

Claim 12: The information content is provided according to a player information profile. (Col 10, 17-24)

Claim 13: Fig 3 shows communication through a second communication interface with an output device (Display 362) located outside of the gaming machine.

Claim 14: Figure 1 clearly shows the gaming machine (300) connected to an entertainment service network.

Claims 15, 43: Walker provides one or more predetermined conditions that a player must satisfy in order to access the entertainment content of the gaming machine. (Col 2, 39-60) When the player satisfies the condition, the entertainment content is output to an output device. (Fig 7A) The entertainment content is independent of the game outcome presentation (spinning the reels) of the game. Walker teaches that the entertainment content can be accessed in exchange for cash or player reward points (i.e., satisfaction of a predetermined condition) on the gaming machine regardless of any current level of play. (Col 2, 57-60) Thus, the entertainment content can be accessed without requiring a game of chance be played prior to accessing the entertainment content since a player could purchase access without any current level of play.

Claims 16, 25: The entertainment content may be displayed on the output device (346) while the game outcome is displayed on the display device (332, 334, 336). (Col 7, 4-8 & 57-61)

Claim 17, 27: Walker teaches the invention substantially as claimed. Walker teaches interactive entertainment content – web pages (Col 5, 44-60) Walker teaches player input through an input device in order to browse a web page. (Col 5, 52-54)

Claims 18, 41: Walker discloses an entertainment content source providing entertainment content independent of a game outcome presentation presented on a gaming machine. (Abstract) The entertainment source is adapted for operation only during selected operational modes of the gaming machine – when casino specified criteria are met. (Fig 7A, 715) The entertainment source is a server. (Fig 1, 110)

Claim 21: Walker makes it clear that the determined indicia of credit amount is independent of the wager on the game. (Col 9, 48-66)

Claim 22: Walker teaches receiving player-tracking information (Fig 4) prior to receiving the selection and allowing access to the entertainment content sources based on the player tracking information. (Col 9, 48-66)

Claim 23: Walker teaches allowing a player to buy access to entertainment content sources for a period of time; comparing the access time to the total time bought; and terminating access to the entertainment content source when the access time exceeds the total time. (Figs 7B & C)

Claim 24: Walker teaches displaying a list of available premium entertainment services to the player. This is information describing the entertainment content available on the

entertainment content sources. Obviously, before this information can be displayed, it must first be loaded onto the computer.

Claims 45-48: Windows 3.1 is capable of displaying windows that overlap and do not overlap. The particular arrangement of the windows used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific arrangement of the windows claimed. The fact that both overlapped and tiled window arrangements are claimed indicates that these arrangements are equivalent.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claim 8 above in view of Dabrowski (US Patent Number 6,379,246).

Claim 9: Walker teaches the invention substantially as claimed, but fails to teach interposing a firewall between the gaming machine and the Internet. It is extremely well known that a firewall helps provide security, thus helping to prevent hackers gaining access to a system. Hackers can cause damage in a number of ways. They may, for instance, cause a computer system to shut down. This would cost a casino money because a slot machine that is down cannot be played. Hackers may even access accounting data, stealing from the casino or from players. This would be a public relations disaster. Dabrowski, an invention in the same field of endeavor, teaches using a firewall to provide protection. (Col 3, 60-62) It would have been obvious to one of ordinary skill in the art at the time of the invention to have used a firewall to limit access to the gaming machine via the first communications interface in order to protect the casino from hackers.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claim 19 in view of official notice.

Claim 20: Walker teaches the invention substantially as claimed. Walker teaches determining an indicia of credit amount for the selected entertainment content prior to outputting entertainment content. (Col 9, 64-66) Walker teaches displaying a message on the display device notifying the player of the determined indicia of credit amount for the selected entertainment content source. (Col 11, 24-34) Walker teaches initiating the selected entertainment content when the required indicia of credit amount is available on the gaming machine. (Col 10, 13-24) Walker does not specifically teach displaying the message prior to providing the entertainment content. Without such a message, the player would not know how to gain access to the entertainment content. Examiner takes official notice of the almost universal practice of telling potential customers how much goods and services cost prior to providing such goods and services. From gum to yachts, potential purchasers are told the price of items before they purchase. Certainly, in the gaming industry, it is notoriously well known to provide the potential customer with the price of entertainment (i.e., the minimum bet amount) prior to the purchase by the customer. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed a message on the display device notifying the player of the required indicia of credit amount prior to granting access to the entertainment content in order to inform the player how to gain access to the entertainment content.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claim 25 above, and further in view of Fraley (US Patent Number 4,712,799).

Claim 26: Walker teaches the invention substantially as claimed. Walker teaches a display device (332-336) for displaying the game outcome and an output device (345) for displaying entertainment content. Output device (345) is a video display device. Walker does not specifically teach the display device (332-336) being a video display device. Displaying game output on video is notoriously well known in the art. Fraley teaches one example. Video displays are easier to maintain than mechanical reels because they have fewer moving parts. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the display device be a video display device in order to provide for ease of maintenance.

Response to Arguments

6. Applicant's arguments filed 17 July 2003 have been fully considered but they are not persuasive.

7. Applicant argues Walker does not teach displaying the game outcome and the entertainment content on the same display. This is not the case. Walker clearly describes presenting the game reels (Col 7, 19-23) and the multimedia information (Col 7, 57-61) on video display (346). Furthermore, Walker teaches use of a virtual reality headset to display game results and multimedia premium entertainment. (Col 7, 62 – Col 8, 3) As is well known to the art, a virtual reality headset presents a single display to the player. Thus Walker clearly teaches displaying game results on the same screen as multimedia entertainment content.

Furthermore, Walker teaches that the player must meet minimum play requirements to continue to get access to the multimedia entertainment. Figs 7A & B show the casino establishing a link to the multimedia content and then continuing to monitor the level of play

(step 750) in order to determine if the link should be maintained. Thus the player must continue to play the game while the multimedia content is displayed, and, since Walker teaches displaying the game results and the multimedia content on the same display, it is obvious to place the information in separate windows to avoid player confusion.

Conclusion

8. This is a Request for Continuing Examination of applicant's earlier Application No. 09/665526. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cbc
July 28, 2003

JESSICA HARRISON
PRIMARY EXAMINER